

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 05 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT ALLAN SCHULER,

Defendant - Appellant.

No. 05-10779

D.C. No. CR-04-01036-DGC

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
David G. Campbell, District Judge, Presiding

Argued and Submitted August 17, 2006
San Francisco, California

Before: CANBY, HAWKINS, and THOMAS, Circuit Judges.

There was sufficient evidence, albeit circumstantial, from which a rational trier of fact could conclude that Appellant Robert Schuler knowingly possessed destructive devices in violation of 26 U.S.C. § 5861(d). *See United States v. Brady*, 579 F.2d

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

1121, 1127 (9th Cir. 1978) (“[C]ircumstantial evidence can be used to prove any fact, including facts from which another fact is to be inferred.”).

AFFIRMED.